IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11908 of 2000

DATED:06.01.2006

Between:

R.Balaramaiah petitioner

And

The APSRTC,

Rep by its Chairman & Managing Director,

Musheerabad, Hyderabad and others REspnodents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 11908 OF 2000

ORAL ORDER:

The present writ petition is filed questioning the proceedings No.St/20(62)/98-Dy.CTM dated 5.6.1998 issued by the Deputy Chief Traffic Manager imposing the punishment of deferment of annual increment for a period of two years with cumulative effect and treating the period of suspension as “not on duty” for the purpose of leave and wages and the proceedings No.PA/19(184)/99-RMQ dated

28.2.2000 of the Regional Manager rejecting the review application.

The petitioner, who is working as Conductor with the respondent- Corporation, was issued with a charge sheet dated 2.9.1997 alleging cash and ticket irregularities. After conducting a regular enquiry and considering the explanation submitted by the petitioner, the petitioner was removed from service vide proceedings dated 17.1.1998. The petitioner preferred an appeal against the order of removal. The Appellate Authority on consideration of the matter modified the punishment and reinstated the petitioner by imposing the minor punishment of deferring the annual increments for a period of two years and treating the period of suspension as not on duty. As against the said order, the petitioner filed a review petition, which was rejected by order dated 28.2.2000. Hence, the present writ petition.

Learned counsel for petitioner submitted that on the date of check the petitioner was not well and the incident occurred due to oversight and there was no intention on the part of the petitioner to defraud the corporation. It is further submitted that the Appellate Authority having observed that there was no intention on the part of the petitioner, erred in imposing the punishment while reinstating the petitioner.

A counter affidavit was filed on behalf of the respondents stating that having not satisfied with the explanation offered by the petitioner, an enquiry was ordered, wherein the charges leveled against the petitioner were proved and basing on the report of the enquiry officer, a show cause notice was issued and after considering the explanation, the petitioner was removed from service vide proceedings dt 17.7.1998. It is further stated that the Appellate Authority considered the appeal and ordered to reinstate the petitioner in service by imposing the punishment to defer annual increments for a period of two years with cumulative effect and the same was confirmed by the Review Authority. It is submitted that the punishment imposed on the petitioner is proportionate to the proved misconduct and there are no extraordinary circumstances warranting interference of this Court.

In the present writ petition the petitioner did not challenge the enquiry proceedings and the only question remains to be answered is whether the proved misconduct is disproportionate to the punishment imposed. Since it is a cash and ticket irregularity, the petitioner was removed from service. The Appellate Authority, taking a lenient view, had modified the punishment of removal and directed to reinstate the petitioner into service, and on such reinstatement, ordered to defer the annual increments for a period of two years with cumulative effect and to treat the period of suspension as “not on duty for the purpose of leave and wages, and no

exception can be taken thereto, more so having regard to the judgment of the apex Court in **Regional Manager, Rajasthan SRTC v. Sohan Lal**, wherein it was held that it is not within the normal jurisdiction of the superior courts to interfere with the quantum of sentence imposed by the disciplinary authority, unless it is shown that the sentence imposed is wholly disproportionate to the misconduct proved. The petitioner has not made out any ground to show that the punishment imposed by the disciplinary authority is disproportionate to the proved misconduct.

8. The writ petition is accordingly dismissed. No costs.

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N.V.RAMANA,J

DATED: 06.01.2006

TVK/NSR